UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

STEVEN PALENCAR,

Plaintiff,

-against-

NEW YORK POWER AUTHORITY, GIL QUINIONES, KRISTINE PIZZO, ED WELZ, PHILIP TOIA, WILLIAM SENIOR, RANI POLLACK and DIANA BODOLATO,

Defendants.

AMENDED COMPLAINT

Civil Action No. 16-CV-0200 (DHN/ATB)

JURY TRIAL DEMANDED

Plaintiff Steven Palencar (hereinafter "Palencar") by and through his undersigned counsel, TULLY RINCKEY PLLC, as and for his Amended Complaint (hereinafter "Complaint") against Defendants New York Power Authority (hereinafter "NYPA"), Gil Quiniones ("Quiniones"), Kristine Pizzo ("Pizzo"), Ed Welz ("Welz"), Philip Toia ("Toia"), William Senior ("Senior"), Rani Pollack ("Pollack") and Diana Bodolato ("Bodolato") sets forth the following:

JURISDICTION AND VENUE

1. This is an action for damages pursuant to Title VII of the Civil Rights Act of 1964, as amended, 42 USC §§ 2000e, *et seq*. (hereinafter "Title VII") and the New York State Human Rights Law, as amended, New York Executive Law §§ 290, *et seq*. (hereinafter "the NYSHRL") and is within the jurisdiction of this Court pursuant to 28 USC §§ 1331, 1343, and 42 USC §2000e-5.

2. This Court has supplemental jurisdiction over the state law claims pursuant to 28 USC § 1367, in that the district court has original jurisdiction in this action and the claims are

related to claims in the action within such original jurisdiction that they form a common nucleus of operative facts.

3. Venue is proper in this district pursuant to 28 USC § 1391(b).

PARTIES

4. Palencar is a male Caucasian individual, residing in the County of Onondaga, State of New York.

5. NYPA is a New York public authority, duly organized and existing under the laws of the State of New York, including Sections 1000-1017 of New York Public Authorities Law, as amended. NYPA's headquarters are located in the County of Albany, State of New York.

6. Quiniones is the President and Chief Executive Officer of NYPA.

7. Pizzo is the Senior Vice President of Human Resources for NYPA.

8. Welz is the Chief Operating Officer of NYPA.

9. Toia is the Vice President of Transmission for NYPA.

10. Senior is a Transmission Superintendent for NYPA.

11. Pollack is the Director of Human Resources and Employee Relations for NYPA.

12. Bodolato is an Employee Relations Specialist for NYPA.

FACTS

13. NYPA is in the business of generating, transmitting and selling electricity. As part of its business, NYPA operates sixteen generating facilities, including the Frederick R. Clark Energy Center located in the County of Oneida, State of New York. It also has more than 1,400 circuit miles of transmission lines.

14. NYPA has over 1,650 employees and generates yearly revenue of over $3,000,000.

15. At all times relevant hereto, NYPA was engaged in an industry affecting commerce and had twenty (20) or more employees for each working day in each of twenty (20) or more calendar weeks in the current or proceeding calendar year.

16. At all times relevant hereto, NYPA constitute an enterprise, which has employees engaged in commerce or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person.

17. At all times relevant hereto, NYPA has an annual gross volume of sales made or business done that is not less than $500,000

18. At all times relevant hereto, Palencar was employed by NYPA. Palencar has been employed by NYPA since 1999. In July 2010, Palencar was promoted to his current position of Transmission Supervisor. Palencar works out of the Frederick R. Clark Energy Center (hereinafter "Clark Energy Center") in the County of Oneida, State of New York.

19. Palencar has been subjected to unlawful discriminatory practices related to employment by NYPA. Said unlawful discriminatory practices by NYPA have been on account of Palencar's sex and sex stereotypes and his supporting and participating in prior complaints of employment discrimination before the New York State Division of Human Rights ("NYSDHR") and U.S. Equal Employment Opportunity Commission ("EEOC") (retaliation/ reprisal).

20. Since 2007 and continuing to present, NYPA has engaged in an ongoing pattern and practice of disparate treatment discrimination, hostile work environment discrimination

and retaliation/reprisal on account of Palencar's sex and sex stereotypes and EEO activity.

21. On or about September 12, 2008, after Palencar had duly filed employment discrimination charges with the EEOC and received a right to sue letter, Palencar duly filed and instituted a civil action in the United States District Court for the Western District of New York.

22. In his civil action, Palencar charged that NYPA had discriminated against him and harassed him because of his sex and sex stereotypes. Andy Cline (hereinafter "Cline"), General Manager of Transmission, and Michelle LaPorte (hereinafter "LaPorte"), Facility Labor Relations Manager, were among members of NYPA management that participated in and/or were aware and did nothing about the employment discrimination that was the subject matter of Palencar's civil action.

23. Upon information and belief, Cline and LaPorte were angry and upset at the accusations of employment discrimination made by Palencar and as a result developed an animus toward Palencar and were constantly looking for an opportunity to retaliate against him for his complaints of employment discrimination and filing the civil action.

24. Upon information and belief, Cline informed Toia, NYPA's Vice President for Transmission at the Clark Energy Center, of Palencar's protected activity and instilled in him the same animus Cline had for Palencar because of his protected activity.

25. On December 24, 2014, Palencar timely filed a complaint with the EEOC, which cross-filed the complaint with NYSDHR, charging NYPA with retaliating against Palencar for engaging in protected EEO activity. Palencar received a Notice of Right to Sue letter, dated April 15, 2015, from the EEOC for Palencar's charges of retaliation.

26. On July 13, 2015, Palencar timely commenced a civil action against NYPA in the United States District Court for the Northern District of New York, based, in part, upon the charges covered by the duly filed NYSDHR/EEOC complaint. The civil action was assigned civil action no. 5:15-CV-857 (DHL/ATB) and also included causes of action for retaliation under the Fair Labor Standards Act and the New York Labor Law.

27. The NYSDHR/EEOC complaint and the accompanying civil action included various materially adverse employment actions by NYPA against Palencar up through approximately October 31, 2014.

28. On or about March 2, 2015, Palencar timely filed a charge with the EEOC, which cross-filed the charge with the NYSDHR, charging that NYPA had discriminated against him and subjected him to a hostile work environment because of his sex and sex stereotypes and that NYPA had retaliated against him because he had engaged in protected activity. Palencar timely amended said charge to include incidents that occurred after the filing of the charge, including incidents up to and through July 6, 2015. Palencar received a Notice of Right to Sue letter, dated August 19, 2015, from the EEOC for Palencar's charges of unlawful employment practices.

29. On November 17, 2015, Palencar timely commenced a civil action against NYPA in the United States District Court for the Northern District of New York, based upon the charges covered by the duly filed NYSDHR/EEOC complaint that corresponded to the August 19, 2015 Notice of Right to Sue from the EEOC. The civil action was assigned civil action no. 5:15-CV-1363 (DHL/ATB).

30. The March 2015 NYSDHR/EEOC complaint, as amended, and the accompanying civil action included various materially adverse employment actions by NYPA against Palencar since October 31, 2014 up to and through July 6, 2015.

31. NYPA acting through its Responsible Management Officials Cline, Toia and Senior subjected Palencar to disparate treatment discrimination and hostile work environment harassment and retaliation on account of Palencar's sex and sex stereotypes and Palencar's protected EEO activity.

32. NYPA was aware of and had knowledge of Palencar engaging in all of the aforedescribed protected EEO activity.

33. On July 6, 2015, Palencar had been issued a Final Warning Letter that contained false information regarding his work performance and was placed in Palencar's personnel file. That same day, Palencar was placed on paid administrative leave by NYPA and given a memorandum to that effect. No reasons were given to Palencar in writing as to why he was being placed on paid administrative leave. Palencar was told orally that there were some issues they were looking at. No further detail or information was provided.

34. On July 6, 2015, NYPA acting by and through its management took all of Palencar's NYPA-issued property, including his I.D., keys, credit cards, phone and computer. Palencar was escorted by security to clean out his locker and desk of personal property.

35. NYPA's taking of Palencar's NYPA-issued property and having Palencar remove his personal property was a clear indication that NYPA had no intention of having Palencar return to work. Such actions are clear indicia that NYPA intended to get rid of Palencar.

36. A few days after July 6, 2015, Palencar was contacted by Pollack, NYPA's Director of Human Resources and Employee Relations, stationed in NYPA's corporate offices in

White Plains, New York. Pollack instructed Palencar to attend a meeting on July 14, 2015 for an interview. The meeting was to take place at the Hotel Utica in Utica, New York. No explanation was given to Palencar for why the meeting could not take place at the Clark Energy Center or on NYPA's property.

37. Prior to the meeting, Pollack, Bodolato and/or other members of NYPA's management had audited and/or investigated Palencar's use of the vehicle, credit card, cell phone and expense account that NYPA had issued to him. NYPA obtained copies of the receipts of the actual food that Palencar had ordered and eaten. It also had put Palencar under surveillance and had pictures/videos taken. It also obtained the GPS for Palencar's NYPA-issued vehicle.

38. At the meeting on July 14, 2015 at the Hotel Utica, Pollack and Bodolato, Employee Relations Specialist, Corporate Human Resources for NYPA, both members of NYPA's management, interrogated Palencar for four (4) hours over his use of his NYPA-issued vehicle, credit card, cell phone and expense account. They asked him personal questions regarding what he had ordered and eaten, who he was with and questioned whether such food purchases and his off-work activities were legal and appropriate. They also questioned him about the location of his vehicle, including why the vehicle on one day was idling for approximately fifteen (15) minutes. They also showed him pictures of restaurants and other places he had been at, indicating that NYPA had Palencar under surveillance.

39. At no point during the four (4) hour interrogation did Pollack and Bodolato show or prove that Palencar has misused the vehicle, credit card, cell phone and/or expense

account that NYPA had given him. At the conclusion of the meeting, Palencar was not charged with anything.

40. Upon information and belief, Pollack and Bodolato's investigation and interrogation of Palencar was based in part upon scandalous and unfounded allegations by Palencar's line crew, the same line crew that had in the past harassed, bullied and belittled Palencar on the basis of his sex, including the use of homophobic slurs. The actions of the line crew resulted in Palencar's 2008 employment discrimination civil action, which NYPA settled. Hence, Pollack and Bodolato knew or should have known that the line crew's allegations against Palencar were not credible and were based on animus against Palencar on the basis of his sex and sex stereotypes. Nonetheless, Pollack and Bodolato engaged in a discriminatory and harassing investigation and interrogation of Palencar.

41. The aforementioned actions of Pollack and Bodolato aided and abetted the discrimination, harassment and retaliation against Palencar.

42. To this date, Palencar has never been charged with any misconduct or wrongdoing concerning the vehicle, credit card, cell phone and/or expense account that NYPA had given him. Additionally, since being placed on administrative leave, Palencar has not been charged or notified of any misconduct or wrongdoing by NYPA with respect to his work performance.

43. The meeting and four (4) hour interrogation at the Hotel Utica on July 14, 2015, was an act of discrimination, harassment and retaliation against Palencar by NYPA. Upon information and belief, NYPA has not audited and/or investigated the use of vehicles, credit cards, cell phones and/or expense accounts for similarly situated employees. NYPA audited and/or investigated Palencar's vehicle, credit card, cell phone and/or

expense account on account of his sex and sex stereotypes and in retaliation for his having engaged in prior EEO activity.

44. In fact, in the months leading up to the July 14, 2015 meeting and interrogation, Palencar had made charges of employment discrimination. The short temporal proximity between Palencar's protected activity and the meeting and interrogation demonstrate that NYPA had a retaliatory animus in auditing and/or investigating Palencar's work records, interrogating him for four (4) hours and treating Palencar as if he was a criminal.

45. The July 14, 2015 meeting and interrogation, including the audit and/or investigation of Palencar's work records, was materially adverse as it might well dissuade a reasonable worker from making or supporting a charge of discrimination.

46. In late August 2015, Palencar received the notice of right to sue, dated August 19, 2015, for his most recent EEOC-NYSDHR Complaint, originally filed on March 2, 2015. NYPA also received a copy of the notice of right to sue and was aware of it no later than the end of August 2015.

47. On or about September 3, 2015, Senior drafted a memorandum to NYPA's senior management recommending that Palencar's employment be terminated. Senior falsely asserted that Palencar had poor management and communication skills. Senior cited the Written Counseling Letter and Final Warning Letter (*see* above for details) in justifying Palencar's termination, ignoring that both memorandums were motivated by retaliation against Palencar for having engaged in protected activity. Senior further relied on unsubstantiated allegations by Palencar's line crew, who have harassed, bullied and belittled Palencar, including using homophobic slurs. In relying on the line crew's allegations, Senior ratified and endorsed the line crew's discriminatory animus toward

Palencar, as Senior knew or should have known of the line crew's conduct toward Palencar.

48. Senior forwarded his memorandum recommending Palencar's employment be terminated to Toia, Welz, Pizzo and Quiniones. Without comment, Toia, Welz, Pizzo and Quiniones concurred in the recommendation that Palencar's employment be terminated.

49. The aforementioned actions of Senior, Toia, Welz, Pizzo and Quiniones were required for Palencar's employment to be terminated. Senior, Toia, Welz, Pizzo and Quiniones are all supervisors of Palencar and personally participated in the termination of Palencar's employment.

50. On September 14, 2015, Palencar received a letter from NYPA, advising him that his employment with NYPA had been terminated as of September 11, 2015. In the letter to Palencar, no reason was given for the termination. To date, NYPA has failed and/or refused to put in writing to Palencar any reason, including any alleged legitimate, non-discriminatory reasons, for terminating Palencar's employment.

51. The short temporal proximity between Palencar's protected activity and NYPA's termination of Palencar's employment shows that NYPA had a retaliatory animus in terminating Palencar's employment.

52. Upon information and belief, NYPA has not terminated the employment of similarly situated employees with a similar record of work performance. NYPA's disparate treatment of Palencar is due to Palencar's sex and sex stereotypes.

53. NYPA provided Palencar with an administrative process to appeal his termination. On or about September 24, 2015, Palencar timely submitted an approximately eleven (11) page document outlining all the reasons why he believed his termination was unjustified, not

supported by the evidence, was contrary to NYPA's policies and constituted an unlawful employment practice.

54. Palencar received a response from Pollack on behalf of NYPA concerning his administrative appeal of his termination. Pollack's email, dated November 17, 2015, advised Palencar that a committee would be meeting on December 1, 2015 to consider his appeal and that Palencar should be available by telephone.

55. On November 17, 2015, Palencar timely commenced a civil action against NYPA in the United States District Court for the Northern District of New York, civil action no. 5:15-CV-1363 (DHL/ATB), based upon the charges covered by his March 2, 2015, duly filed EEOC-NYSDHR complaint, as amended. The civil action included various materially adverse employment actions by NYPA against Palencar up through approximately July 6, 2015.

56. NYPA was served with the complaint for this federal court civil action on November 19, 2015; accordingly, NYPA had notice and was aware of this civil action, charging it with unlawful employment practices no later than November 19, 2015.

57. On December 1, 2015, NYPA had a committee meet to consider Palencar's administrative appeal of his termination. Neither NYPA, Pollack nor any member of the committee contacted Palencar and spoke with him prior to considering Palencar's administrative appeal of his termination.

58. That same day, December 1, 2015, purportedly after the committee met and considered Palencar's administrative appeal of his termination, NYPA by and through Pizzo, Senior Vice President for Human Resources, issued a letter addressed to Palencar advising him that it was upholding his termination. Pizzo was one of the members of NYPA's

management that had personally participated in Palencar's termination. NYPA and Pizzo provided no reasons, including any allegedly legitimate, non-discriminatory reasons, for Palencar's termination or for upholding the termination. NYPA and Pizzo also did not address any of the arguments that Palencar made in his eleven (11) page administrative appeal. NYPA and Pizzo also did not explain why it took over two (2) months for it to respond, given its form letter response and the fact that no one connected with NYPA ever spoke with Palencar concerning the substance and arguments in Palencar's administrative appeal.

59. NYPA terminated Palencar's employment on account of his sex and sex stereotypes and in retaliation for his having engaged in protected EEO activity.

60. Upon information and belief, NYPA has not terminated employees similarly situated to Palencar under the same or similar facts and circumstances. Palencar's employment termination occurred under facts and circumstances indicating that he was terminated on account of his sex and sex stereotypes and not for legitimate, non-discriminatory reasons.

61. Palencar's termination of employment was also in retaliation/reprisal for his protected EEO activity. Upon information and belief, no employees similarly situated to Palencar who do not engage in protected EEO activity have had their employment terminated by NYPA.

62. Palencar's employment was terminated in close proximity to his having engaged in protected EEO activity and NYPA had notice and was aware of Palencar's protected EEO activity. Thus, NYPA had a retaliatory animus in terminating Palencar's employment.

63. The termination of Palencar's employment, was an adverse employment action and was materially adverse as it might well dissuade a reasonable worker from making or supporting a charge of discrimination.

64. Palencar suffers from stress, depression and anxiety and is having difficulty finding employment, all on account of the hostile work environment, discrimination and retaliation that Palencar has been subjected to by NYPA and members of its management.

65. On or about January 8, 2016, Palencar timely filed a charge with the EEOC, which cross-filed the charge with the NYSDHR.

66. This Complaint is timely filed within ninety (90) days of Palencar's receipt of the Notice of Right to Sue letter from the EEOC, such letter being dated January 25, 2016.

FIRST CAUSE OF ACTION
Discrimination under Title VII

67. Palencar repeats and realleges by reference paragraphs 1 through 66 as if set forth herein.

68. NYPA engaged in a continuing pattern and practice of illegal discrimination in violation of Title VII by discriminating against Palencar on account of his sex and sex stereotypes and failing to take any remedial action whatsoever with regards to Palencar's complaints to NYPA regarding unlawful discrimination.

69. Palencar complained in good faith to management of the discrimination and unlawful employment practices in the workplace. NYPA by and through its management failed to end the unlawful employment discrimination.

70. NYPA subjected Palencar to a hostile work environment on account of his sex and sex stereotypes. The hostile work environment was severe and pervasive enough as to alter the terms and conditions of Palencar's employment.

71. NYPA treated Palencar differently than similarly situated NYPA employees on account of his sex and sex stereotypes.

72. NYPA's actions toward Palencar as set forth above were adverse employment actions because they altered the terms and conditions of Palencar's employment.

73. The adverse employment actions set forth above and all of the incidents identified in the Complaint demonstrate that NYPA was motivated by discriminatory animus toward Palencar and that there is a causal connection between the adverse employment actions and Palencar's sex and sex stereotypes.

74. As a direct and proximate cause of NYPA's willful, knowing and intentional discrimination, Palencar has suffered and will continue to suffer pain and suffering, extreme mental anguish, emotional distress, loss of earnings, job opportunities, employment benefits, retirement benefits, and other incidental expenses.

75. As a result of NYPA's discrimination in violation of Title VII, Palencar has been damaged in an amount to be determined by a jury at the time of trial.

SECOND CAUSE OF ACTION
Retaliation under Title VII

76. Palencar repeats and realleges by reference paragraphs 1 through 66 as if set forth herein.

77. NYPA engaged in a continuing pattern and practice of illegal retaliation in violation of Title VII by retaliating against Palencar and failing to take any remedial action whatsoever with regards to Palencar's complaints to NYPA regarding unlawful discrimination and retaliation.

78. Palencar complained in good faith to management of the discrimination and retaliation and unlawful employment practices in the workplace. By protesting the discrimination

and retaliation and unlawful employment practices of his workplace, Palencar engaged in protected activity under Title VII.

79. But for Palencar's engagement in protected activity, NYPA would not have taken the adverse employment actions set forth in the Complaint.

80. NYPA's actions toward Palencar as set forth in the Complaint were adverse employment actions because they might well dissuade a reasonable worker from making or supporting a charge of discrimination.

81. The adverse employment actions set forth in the Complaint and all of the incidents identified in the Complaint demonstrate that NYPA was motivated by retaliatory animus toward Palencar and that there is a causal connection between the adverse employment actions and Palencar's protected activity.

82. As a direct and proximate cause of NYPA's willful, knowing and intentional retaliation, Palencar has suffered and will continue to suffer pain and suffering, extreme mental anguish, emotional distress, loss of earnings, job opportunities, employment benefits, retirement benefits, and other incidental expenses.

83. As a result of NYPA's retaliation in violation of Title VII, Palencar has been damaged in an amount to be determined by a jury at the time of trial.

THIRD CAUSE OF ACTION
Discrimination under NYSHRL

84. Palencar repeats and realleges by reference paragraphs 1 through 66 as if set forth herein.

85. NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato engaged in a continuing pattern and practice of illegal discrimination in violation of the NYSHRL by discriminating against Palencar on account of his sex and sex stereotypes and failing to

take any remedial action whatsoever with regards to Palencar's complaints to NYPA regarding unlawful discrimination.

86. Palencar complained in good faith to management of the discrimination and unlawful employment practices in the workplace. NYPA by and through its management, including Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato, failed to end the unlawful employment discrimination.

87. NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato subjected Palencar to a hostile work environment on account of his sex and sex stereotypes. The hostile work environment was severe and pervasive enough as to alter the terms and conditions of Palencar's employment.

88. NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato treated Palencar differently than similarly situated NYPA employees on account of his sex and sex stereotypes.

89. NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato's actions toward Palencar as set forth above were adverse employment actions because they altered the terms and conditions of Palencar's employment.

90. The adverse employment actions set forth above and all of the incidents identified in the Complaint demonstrate that NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato were motivated by discriminatory animus toward Palencar and that there is a causal connection between the adverse employment actions and Palencar's sex and sex stereotypes.

91. Quiniones, Pizzo, Welz, Toia and Senior are all supervisors of Palencar and personally participated in the discrimination. Hence, they are employers under the NYSHRL and liable under the NYSHRL for the discrimination against Palencar.

92. Pollack and Bodolato aided and abetted the discrimination against Palencar. Consequently, they are liable under the NYSHRL for the discrimination against Palencar.

93. As a direct and proximate cause of NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato's willful, knowing and intentional discrimination, Palencar has suffered and will continue to suffer pain and suffering, extreme mental anguish, emotional distress, loss of earnings, job opportunities, employment benefits, retirement benefits, and other incidental expenses.

94. As a result of NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato's discrimination in violation of the NYSHRL, Palencar has been damaged in an amount to be determined by a jury at the time of trial.

FOURTH CAUSE OF ACTION
Retaliation under the NYSHRL

95. Palencar repeats and realleges by reference paragraphs 1 through 66 as if set forth herein.

96. NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato engaged in a pattern of illegal retaliation in violation of the NYSHRL by failing to take any remedial action whatsoever with regards to Palencar's complaints and NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato had no legitimate business reason for these actions.

97. Palencar in good faith complained to management of discrimination and retaliation and unlawful employment practices in the workplace. By protesting the conditions of his work place, Palencar engaged in protected activity under the NYSHRL.

98. But for Palencar's engagement in a protected activity, NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato would not have taken the adverse employment actions set forth in the Complaint.

99. NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato's actions toward Palencar as set forth in the Complaint were adverse employment actions because they might well dissuade a reasonable worker from making or supporting a charge of discrimination and were changes in working conditions that were more disruptive than a mere inconvenience or an alteration of job responsibilities.

100. The adverse employment actions set forth in the Complaint demonstrate that NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato was motivated by retaliatory animus toward Palencar and that there is a causal connection between the adverse employment actions and Palencar's protected activity.

101. Quiniones, Pizzo, Welz, Toia and Senior are all supervisors of Palencar and personally participated in the retaliation. Hence, they are employers under the NYSHRL and liable under the NYSHRL for the retaliation against Palencar.

102. Pollack and Bodolato aided and abetted the retaliation against Palencar. Consequently, they are liable under the NYSHRL for the retaliation against Palencar.

103. As a direct and proximate cause of NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato's willful, knowing and intentional retaliation, Palencar has suffered and will continue to suffer pain and suffering, extreme mental anguish, emotional distress, loss of earnings, job opportunities, employment benefits, retirement benefits, and other incidental expenses.

104. As a result of NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato's violations of the NYSHRL, Palencar is entitled to general and compensatory damages in an amount to be determined by a jury at the time of trial.

Palencar hereby demands trial by jury of all issues so triable at law, pursuant to Fed.R.Civ.P. 38.

WHEREFORE, based on the foregoing, Palencar demands judgment against Defendant NYPA, Quiniones, Pizzo, Welz, Toia, Senior, Pollack and Bodolato as follows:

1. An award of compensatory damages, appropriate interest, exemplary damages, reasonable attorneys' fees, expert witness fees, and other litigation expenses;
2. An award of Palencar's costs and disbursements; and
3. Such other and further relief as the Court may deem proper.

Dated: October 19, 2016
Syracuse, New York

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